

Ryan F. Thomas, Esq. (SBN 230491)
Anthony Bentivegna, Esq. (SBN 129487)
JOHNSTON | THOMAS, Attorneys at Law, PC
1400 N. Dutton Avenue, Suite 21
Santa Rosa, California 95401
Telephone: (707) 545-6542
Facsimile: (707) 545-1522
E-mail: RThomas@johnstonthomas.com
ABentivegna@johnstonthomas.com

Attorneys for Defendant
LAND HOME FINANCIAL SERVICES, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARCUS MANNING, VIRIDIANA LOPEZ
GARCIA,

Plaintiffs,

v.

LAND HOME FINANCIAL SERVICES, INC.,

Defendant.

Case No.: 21-cv-06505 WHO

[PROPOSED] ORDER GRANTING MOTION
TO DISMISS FOR FAILURE TO STATE A
CLAIM UPON WHICH RELIEF CAN BE
GRANTED (FRCP 12(b)(6))

Date: November 17, 2021
Time: 2:00 PM
Judge: Hon. Judge William H. Orrick
Ctm: 2

WHEREAS the motion by Defendant LAND HOME FINANCIAL SERVICES, INC., to Dismiss For Failure To State a Claim Upon Which Relief Can Be Granted came on regularly for hearing at the time and place above indicated, before the Hon. Judge William H. Orrick, and having considered the motion, any opposition and the evidence and argument presented, and good cause appearing therefrom, the motion is GRANTED without leave to amend.

Plaintiff alleges violations under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, claiming that Defendant was non-responsive to a request they issued for "exemplified copies of full

1 accounting, which includes debt transmittal, closing documents, accounting package and wire
2 transfer history regarding account no: 382725.” However, Defendant is not alleged to be an agency
3 within the meaning of the statute and is instead alleged to be a corporate lender. Accordingly, there
4 is a failure to state a claim pursuant to FRCP 12(b)(6).

5 Plaintiff’s Complaint is dismissed with prejudice and Defendant is awarded costs.

6
7 Dated: _____

UNITED STATES DISTRICT JUDGE